

# **STATE HOUSING APPEALS BOARD**

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**DRAFT**

## **Minutes of the December 13, 2013 Board Meeting**

**The State Housing Appeals Board (“SHAB” or the “Board”) held a public meeting on December 13, 2013 at The Department of Administration, One Capitol Hill, Providence, Rhode Island.**

## **ATTENDANCE**

**The following members were present: Chairwoman Kelley Morris, Brenda Clement, James Grundy, Luis Torrado, Joseph Caffey and municipal alternate member Steven Stycos. Also present were Steven M. Richard, legal counsel to the SHAB, and Christine DaRocha, administrative staff to the SHAB.**

**Call to Order**

**Chairwoman Morris called the meeting to order at 2:05 p.m.**

### **Approval of 9/18/13 Minutes**

**The Board unanimously approved the 9/18/13 minutes.**

### **Update from SHAB's legal counsel regarding status of docket**

**Mr. Richard stated that SHAB issued a decision on the Motion to Dismiss in the SWAP vs. East Greenwich appeal. The decision has been appealed to the Rhode Island Superior Court.**

**Mr. Richard also brought to the Board's attention a meeting he attended with Chairwoman Morris and representatives of the Governor's office regarding SHAB's regulations to determine the impact on small businesses. The feedback from the Governor's representatives was very positive, citing that SHAB operates in a very transparent manner.**

**North End Holdings Company, LLC v. Town of Barrington ("The Residence at the Preserve"), SHAB Appeal No. 2012-01**

**Bill Landry, representing the Appellant, North End Holdings Company, argued that this project was initially presented as a 27 unit project and reduced to 24 units, 6 being affordable, on a seven acre site located in an R40 zoning district. Engineers and a traffic expert**

testified during the course of the Town hearings and there was no rebuttal. A technical review committee, consisting of a member of the Town's Planning Board, Public Works Director, Fire Chief, and Building Official, discussed the plan and made suggestions. The suggested changes were made and when it came in front of the Planning Board, they rejected the plan. Mr. Landry stated that this project was designed around the town's Affordable Housing Plan of 2005, as amended in 2009, the version of the Plan that was in place when the application was certified as complete and the 2012 amendment to the Comprehensive Plan was not approved at the time the application was certified as complete. There are only 300 acres in the Town to be developed and in order to meet the 10% affordable units, there has to be a place where more concentrated development can happen or the 10% goal is unattainable. He stated the Town has to have another 500 affordable housing units in order to get to the 10% and the Town's one-acre zoning patterns of development are not going to work..

Nancy Letendre, representing the Town of Barrington and the Barrington Planning Board, argued that Mr. Landry misinterpreted the affordable housing element of the Comprehensive Plan. She argued that the current language in the 2012 amendment to the Comprehensive Plan is more generous in terms of the options it offers. Ms. Letendre further argued that the Town Planning Board denied the plan based on environmental concerns, it's inconsistency with the Town's Affordable Housing Plan and local needs, concerns

about health, safety and the environment, and stated the Town is making progress toward meeting it's affordable housing needs. The Application does not provide 50% LMI units but requests a density increase of more than 500% which is greater than the 20% density bonus that the Housing and Neighborhood Strategy 5-8, dated November 2011, provides for. She also argued that there is a substantial wildlife refuge in direct proximity of this parcel, that the Supreme Court in another case found that the standard of review requires that a master plan address environmental concerns. It was suggested by the technical review committee that the appellant look at inclusionary zoning.

Mr. Richard noted that both sides articulated their positions and their briefs were well written. He suggested the Board go back and re-read the briefs to discuss at the next meeting which one is more supported by the record.

Adjournment

The meeting adjourned at 4:10 p.m.

Respectfully submitted,

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**Kelley Morris, Esq., Chairwoman**